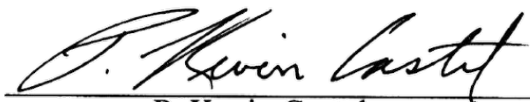


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Sentencing is adjourned from
January 18, 2022 to
April 12, 2022 at 11:00 a.m.
SO ORDERED.
Dated: 1/19/2022


P. Kevin Castel
United States District Judge

BY ECF

January 14, 2022

Honorable P. Kevin Castel
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Virgil Griffith*, 20 Cr. 15 (PKC)

Dear Judge Castel:

We write respectfully to request that the sentencing hearing in the above matter be adjourned from February 2, 2022, to April 7 or April 12, 13 or 14, 2022. We further request that the Court order that the deadline for the defense's sentencing submission similarly be modified from January 18, 2022, to March 4, 2022, and the deadline for the government's sentencing submission be modified from January 25, 2022, to March 18, 2022. Without the additional time, despite our diligent efforts, we will not be ready for his sentencing due to circumstances beyond our and our client's control. We have conferred with the government, who does not oppose this continuance request and is amenable to the proposed deadlines. This is our second request for an adjournment.¹

We make this request because since mid-December we have been unable to visit with our client at the MDC due to COVID-19, despite repeated efforts to confer with him, and we are uncertain when that will change so that we can work with him to prepare for his sentencing. Before Christmas, Mr. Griffith contracted COVID-19 and was subsequently held in isolation for approximately 10 days. Counsel was unable to have any contact with him during that time; we were not allowed to visit or schedule video or telephone calls.

Despite Mr. Griffith having since being released from isolation, there have not been any in-person attorney visits permitted at the MDC due to the COVID-19 outbreak at the facility. In addition, we have repeatedly tried to schedule calls with him despite the facility not permitting call or videoconferences without explanation. It was not until this Tuesday, January 12, 2022, that we were able to have a telephone call with him. The prosecutors helped us secure this call, for which

¹ Defense counsel previously sought an adjournment of sentencing with the government's consent (ECF No. 183). The Court granted the request. (ECF No. 184.)

Hon. P. Kevin Castel, U.S.D.J.
January 14, 2022
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we are greatly appreciative. It is worth noting that the MDC's lockdown has also resulted in significantly reduced food rations, extremely limited opportunities to shower, lack of any time outside, and delayed access to necessary prescription medications for Mr. Griffith, imposing significant hardships on him. We do not make this request lightly and wish it was not necessary. All told, we have not been able to visit with our client in person since December 15, 2021, and have not been able to see him via video since that same day.

Accordingly, Mr. Griffith respectfully requests the Court to grant this request for adjournment of sentencing and the proposed briefing schedule. As always, the undersigned are available to answer any questions the Court may have.

Respectfully yours,

/s/ Sean S. Buckley
Sean S. Buckley
Amanda Tuminelli
Kobre & Kim LLP

-and-

Brian E. Klein
Keri Curtis Axel
Waymaker LLP

Attorneys for Virgil Griffith

cc: AUSA Kimberly Ravener
AUSA Kyle Wirshba